

REMARKS

Applicant has read and considered the Office Action dated December 15, 2005 and the references cited therein. Claim 1 has been amended, claim 5 has been cancelled without prejudice and new claim 6 has been added. Claims 1-4 and 6 are pending.

The drawings were objected to for including a reference number not mentioned in the specification. The specification has been amended at page 4 to properly introduce element 13" in Figure 3. No new matter has been added. Moreover, formal drawings are submitted and Applicant asserts that the objection to the drawings is traversed.

The specification was objected to for the abstract including improper language. The abstract has also been amended to remove two occurrences of "said" and to better define the subject matter of the invention. Applicant asserts that the objection to the specification is traversed.

Claims 1 and 5 were objected to for the use of the acronym "OEM" without definition. The acronym OEM has been defined and Applicant asserts that the objection is traversed.

Claims 1 and 3 were rejected as being clearly anticipated by U.S. Patent No. 5,612,578 to Drew.

Claim 1 has been amended to specify that the data signal that is sent between the remote car starter device and said by-pass kit is effected through a code-hopping mechanism, through encryption or through a unique code matching the by-pass unit to the remote car starter device.

In fact, the cited reference is precisely the type of by-pass kit that the present invention seeks to improve upon.

In such prior art types of by-pass kits, the signal that is sent is actually a ground signal for a pre-determined period of time. Thus, thieves make use of the presence of this possibility to simply ground the wire between the remote car starter device and the by-pass kit to start the vehicle and make off with it.

Claim 1 has been amended to specify that although it is a data signal that is sent, this data signal cannot be reproduced because of the way that it is sent from the remote car starter device to the by-pass kit.

There is no teaching, implied or explicit, in the reference to Drew, or in fact in any of the other references that the signal is anything but a generic signal. The presently claimed invention provides advantages over the cited prior art and any other prior art or combination thereof.

Applicant asserts that this amendment overcomes the rejection of claims 1 and 3.

Claim 2 was rejected as being unpatentable over Drew in view of Davidson et al. Claim 4 was rejected as being unpatentable over Drew in view of Birchfield et al. Claim 5 was rejected as being unpatentable over Drew in view of Birchfield et al and further in view of Flick.

Claim 5 has been cancelled. Applicant asserts that the present amendment overcomes the rejections under 35 USC §103(a) of claims 2 and 4, since the claims directly or indirectly depend on claim 1, which Applicant respectfully asserts is allowable over the prior art of record. None of the other cited references solves the deficiencies of Drew.

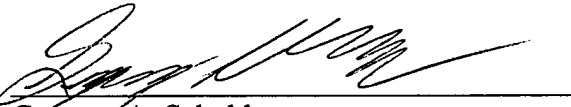
Should any issues remain outstanding and which could be resolved by a telephone interview, the Examiner is kindly invited to contact the undersigned.

Respectfully submitted,

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